



STATE OF OHIO
OFFICE OF THE ATTORNEY GENERAL

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January 3, 2006

James G. Tassie
Deputy Chief Legal Counsel
77 South High Street, 30th Floor
Columbus, Ohio 43215

Re: *John G. Spirko, Jr. v. Anderson*
Death Penalty Case

Dear Mr. Tassie:

As you know, on November 7, 2005, the Attorney General agreed to Mr. Spirko's request to have the Bureau of Criminal Identification and Investigation (BCI&I) conduct specific DNA testing. In the course of conducting that testing, BCI&I forensic scientists located numerous hairs on the duct tape that was wrapped around the tarp that contained Mrs. Mottinger's body. The scientists have further informed me that these hair samples may be suitable for mitochondrial DNA (mtDNA) testing. mtDNA testing is different from nuclear DNA. mtDNA is maternally inherited; therefore, every individual in the same maternal lineage will have the identical mtDNA sequence. The BCI&I Crime Laboratory does not conduct mitochondrial DNA (mtDNA) testing. As such, I must outsource the testing to a private lab.

In Spirko's original request for DNA testing, he requested that the results of any DNA profiles obtained be searched in Ohio's CODIS database. The CODIS database, however, contains only nuclear DNA profiles. There is no analogous database for mtDNA profiles. If any mtDNA profiles are obtained from the hairs located on the duct tape, we will first compare them to mtDNA profiles standards from Betty Jane Mottinger and John Spirko. If those standards are excluded by comparison, Spirko's attorneys wish for the profiles to be compared to other previous suspects. This will require us to investigate, locate and obtain additional DNA standards for comparison purposes. Many of the individuals that Spirko wishes us to compare DNA profiles to reside out of the State of Ohio. We may be required to obtain court orders to attain DNA standards from all or some of these individuals.

Because of the need to outsource the mitochondrial DNA testing and in order to allow time to investigate, locate and obtain DNA standards to compare any DNA profiles too, we must request an additional reprieve from the Governor. We believe that 180-days will be sufficient time to complete all testing. As such, we are requesting a 180-day extension of the current reprieve from the Governor to accommodate these requests. Should more time be needed, we will request an additional extension.

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Please find a copy of our letter to Spirko's attorneys, in which we update them on the status of the DNA testing and notify them that we are requesting a 180-day extension of the current reprieve.

Thank you for your consideration. Please let me know if you have any questions.

Sincerely,



Heather L. Gosselin
Senior Deputy Attorney General

Enclosures

cc: Thomas Hill
Alvin Dunn
Cynthia Mausser